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Kia Silverbrook

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EXAMINER

MISLEH, JUSTIN P

ART UNIT

PAPER NUMBER

2622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed December 19, 2008 have been fully considered but they are not persuasive.

Request for Reconsideration of Finality of Office Action

2. Applicant argues, "Applicant believes that a new ground of rejection has been relied upon in the instant Office Action, which new ground was neither necessitated by amendment by Applicant, or based on information submitted in an IDS." Applicant further adds, "Applicant notes that in the previous Office Action dated 1 July 2008, at part 9, the Examiner refers to the embodiment of Suzuki depicted in Figs. 1 and 2 illustrating a printhead assembly movable along a printing path (a →, ← b). In view of this reference to Suzuki, and in further view that the Examiner's rejection at page 5, last paragraph, stated only that '*Suzuki at least discloses a bubble jet type printhead that spans the width of the recording medium*' without specific reference to any particular portion of Suzuki allegedly disclosing this feature, Applicant understood the Examiner as asserting that the movement, of the printhead assembly along printing path (a →, ← b) constituted the 'spanning' feature of claim 1."

3. The Examiner respectfully disagrees with Applicant's position. In the Non-Final Office Action (mailed July 1, 2008), with respect to Claim 1, the Examiner relied upon figures 1 and 2, column 15, line 31 – column 15, line 6 and column 16, lines 43 – 48 of Suzuki (US 5,847,836). While the Examiner relied on Suzuki's (a →, ← b) to describe the actual "printing path"; the Examiner specifically clarified in the last paragraph of page 5 that "Suzuki at least discloses a bubblejet type printhead that spans the width of the recording medium. The printhead ink reservoir assembly may be a multi-color printhead that is comprised of a series of adjacent ink

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reservoirs, each with at least one ink channel and a plurality of corresponding discharge nozzles and discharge openings, or a single integrated ink reservoir with a plurality of ink channels therein each with corresponding discharge nozzles and openings.” The Examiner included this paragraph in the rejection to purposefully clarify that a printhead spanning the printing path is not the same thing as a printhead moving back and forth along the printing path and to note that Suzuki discloses both options. Additionally, in the Non-Final Office Action, with respect to Claim 2, which indicated that the ink reservoir defines three discrete ink paths, the Examiner relied upon figure 3 of Yuen (US 6,347,863). Finally, in the Non-Final Office Action, with respect to Claim 3, which at least indicated that both the ink reservoir assembly and the guide assembly are elongate to span the printing path, the Examiner relied on portions of Suzuki previously cited in Claim 1.

4. In the Amendment after Non-Final (filed September 24, 2008), Applicant amended Claim 1 to remove certain features and add additional features. The additional features added to Claim 1 were taken from canceled Claim 2 and from deleted portions of Claim 3. Therefore, in any proper Final Rejection, which does not necessitate a new grounds of rejection, the appropriate claims must contain the same grounds of rejection with the same prior art interpretation. In this case, amended Claim 1 must rely upon Suzuki and Yuen in the same fashion previous Claims 1, 2, and 3 relied on Suzuki and Yuen. However, Applicant appears to be only concerned with the Examiner's interpretation of Suzuki.

5. In the Final Rejection (November 7, 2008), in response to Applicant's arguments that “[the] printhead (5) of Suzuki does not extend across the width of the recording medium (11),” the Examiner cited column 16, lines 17 – 24, of Suzuki to further support the fact that Suzuki

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discloses “a bubblejet type printhead that spans the width of the recording medium.” Therefore, the Final Rejection did not rely upon a new embodiment or new features of Suzuki not previously recognized by the Examiner; rather, the Final Rejection provided textual support within Suzuki to support features in Suzuki that were previously recognized by the Examiner in the Non-Final Rejection. For this reason, the Examiner deems the Final Rejection is proper and it will be maintained.

35 USC §103(a)

6. Applicant argues, “Applicant respectfully submits that whilst the above portion of Suzuki may suggest a printhead integrated circuit spanning a width of the printing path, the above portion is silent as to an elongate ink reservoir assembly spanning a width of the printing path.

“Col. 16, lines 17 – 24, describes only that *'a full line type printhead having a length corresponding to the width of a maximum printing medium ... can be used'*. No mention is made of an elongate ink reservoir also spanning a width of the printing path.”

7. The Examiner respectfully disagrees with Applicant's position. Claim 1 simply recites, *inter alia*, “an elongate ink reservoir assembly substantially spanning a width of the printing path.” This language is written broadly enough such that it does not actually require the portion of the “ink reservoir assembly” where the ink is actually stored to also span the width of the printing path. For this reason, the Examiner will maintain the rejection.

Claim 6 & Official Notice

8. Applicant argues, “Applicant disagrees with that the claimed arrangement of hydrophobically treated air inlets is well known and expected ... Applicant respectfully requests documentary evidence in support of the above Official Notice.”

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9. The Examiner respectfully submits Baldwin et al. (US 5,600,358) in support of the Official Notice. Baldwin et al. show, in figures 1 and 2, an ink reservoir assembly with an air inlet labyrinth (30) that is hydrophobically treated to prevent the leakage of ink (see Baldwin et al., Column 4, lines 32-48). For this reason, the Examiner will maintain the rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David Ometz can be reached on 571.272.7593. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Justin P. Misleh/
Primary Examiner
Group Art Unit 2622
January 6, 2009**